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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

MY DAILY CHOICE, INC.,

Plaintiff,

v.

WILLIAM T. BUTLER; KRISTEN
BUTLER; and ARIEYL, LLC,

Defendants.

Case No. 2:20-cv-02178-JAD-NJK

**STIPULATION TO CONSOLIDATE
RELATED CASES**

MY DAILY CHOICE, INC.,

Plaintiff,

v.

SKYLAR LAMBERT,

Defendant.

Case No. 2:20-cv-02228-JAD-NJK

**STIPULATION TO
CONSOLIDATE RELATED CASES**

MY DAILY CHOICE, INC.,

Plaintiff,

v.

DANIELLE LITUSKI, and
CHAD LITUSKI,

Defendants.

Case No. 2:20-cv-02232-JAD-NJK

**STIPULATION TO CONSOLIDATE
RELATED CASES**

The parties to the above-captioned cases, Plaintiff My Daily Choice, Inc., (“Plaintiff” or “MDC”) and Defendants William T. Butler, Kristen Butler, Arieyl, LLC, Skylar Lambert, Danielle Lituski, and Chad Lituski (“Defendants”) (collectively, the “Parties”), through their respective undersigned counsel, hereby stipulate and agree to consolidate the above-captioned matters pursuant to Federal Rule of Civil Procedure 42(a) and Local Rule 42-1(b).

1. MDC filed suit against Defendants in the above-captioned actions alleging, *inter alia*, claims for breach of contract and tortious interference.¹

2. Defendants filed motions to dismiss in each of their respective cases.²

3. On August 6, 2021, the Court issued an Order in each respective case requiring the Parties to appear for a hearing relating to: (1) the legal and factual issues about economic duress levied in connection with My Daily Choice’s 2018 agreement and (2) consolidation of this matter.³

4. Regarding consolidation, the Court found that these cases may be facilitated by consolidation because MDC's claims and allegations raise common questions of law and fact, and consolidation would save time and litigation expenses. The Court directed the Parties to attend the hearing to discuss whether consolidation might result in unanticipated inconvenience, delay, confusion, or prejudice.⁴

5. The Parties have conferred regarding the Order and consolidation. The Parties agree that the cases raise common legal and factual questions and do not anticipate that consolidation would result in inconvenience, delay, confusion, or prejudice. The Parties therefore stipulate to consolidation of the above-captioned matters.⁵

¹ *My Daily Choice v. Butler*, Case No. 2:20-cv-02178 (*Butler*), ECF No. 1 (complaint); *My Daily Choice v. Lambert*, Case No. 2:20-cv-02228 (*Lambert*), ECF No. 1 (complaint); *My Daily Choice v. Lituski*, Case No. 2:20-cv-02232 (*Lituski*), ECF No. 1 (complaint).

² *Butler*, ECF No. 23 (motion to dismiss); *Lambert*, ECF No. 17 (motion to dismiss); *Lituski*, ECF No. 11 (motion to dismiss).

³ *Butler*, ECF No. 48 (order); *Lambert*, ECF No. 36 (order); *Lituski*, ECF No. 35 (order).

⁴ *Id.* at 18.

⁵ Counsel for the Defendants no longer represent Defendant Marissa Donnell (*My Daily Choice v. Donnell*, Case No. 2:20-cv-02225-JAD-NJK (*Donnell*)). While Ms. Donnell is not a party to this stipulation, the Parties do not anticipate that consolidating *Donnell* with these cases

6. On August 19, 2021, the Court granted the parties' stipulation in *Butler* to amend the Scheduling Order and extend the due dates set forth therein.⁶ In the event the Court consolidates these matters, the Parties further request and stipulate to application of the Amended Scheduling Order in *Butler* [ECF no. 51] to the consolidated proceedings.

In light of the foregoing, the Parties stipulate to (1) consolidate *Lambert* and *Lituski* with the lead *Butler* case, and (2) apply the Amended Scheduling Order in *Butler* [ECF No. 51] to the consolidated proceedings.

Respectfully submitted,

Dated this 8th day of September 2021.

GARMAN TURNER GORDON LLP

Dated this 8th day of September 2021.

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ORDER

IT IS SO ORDERED:

DATED: _____

UNITED STATES DISTRICT JUDGE

will result in inconvenience, delay, confusion, or prejudice.

⁶ *Butler*, ECF No. 51.

CERTIFICATE OF SERVICE

The undersigned, an employee of Garman Turner Gordon LLP, hereby certifies that on the 8th day of September 2021, she caused a copy of the foregoing **STIPULATION TO CONSOLIDATE RELATED CASES**, to be served electronically to all parties of interest through the Court's CM/ECF system as follows:

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